

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DAVID WALKER, et al., Plaintiffs, vs. CITY OF OREM, et al., Defendants.	MEMORANDUM DECISION AND ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE RE: MARIJUANA Case No. 2:02-CV-253 TS
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Plaintiff seeks to exclude evidence of a marijuana cigarette found— subsequent to the events at issue at trial— in the vehicle David Walker had borrowed.


The Court finds that the evidence of the one-half of a marijuana cigarette is not relevant to the issues at trial because it was not known to the Defendants at the time of the events at issue. Further, because the evidence on the post-mortem toxicology report and cannabinoids is disputed, any marginal relevance would be outweighed by the confusion of the issues and waste of time resulting from a mini-trial on this issue of the toxicology report.¹ It is therefore

¹Fed. R. Evid. 403 (providing that even relevant evidence may be excluded if its probative value is substantially outweighed by the danger of confusion of the issues and waste of time).

ORDERED that Plaintiff's Motions in Limine to Exclude Marijuana in Subaru (Docket Nos. 308) is GRANTED.

DATED October 5, 2007.

BY THE COURT:



TED STEWART
United States District Judge